IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 3364 of 2005

Between:

D. Sujatha, W/o. M. Koteshwar Rao,
F.No. 940880241, RAF (CRPF), Hakimpet,
Ranga Reddy District.

.....
PETITIONER

AND

1 The DGP, Directorate General CRPF, R.K. Puram,
New Delhi, 110022.
2 Inspector General Of Police, (RAF),
R.K. Puram, New Delhi, 110022.
3 The DIGP, (Pers.) CRPF, Lodhi Road, New Delhi, 110003.
4 The DIGP, (RAF), R.K. Puram, New Delhi, 110066.
5 The Commandant, 99 Battalion RAF,
(CRPF) Hakimpet, Ranga Reddy District.
6 The Commandant, 88 Battalion RAF, (CRPF) (M), New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, preferably one in the nature of Writ of Mandamus, seeking a direction to Respondent Authorities to follow the guide lines/instructions contained in transfer policy framed vide standing order No. 10/2001, governing transfer of Petitioner, i.e., Non-Gazetted (executive) personnel issued by the 1st Respondent authority and consequently be pleased to hold that the procedure followed in respect of petitioner for giving her alleged journey period of 12 days , from 16-02-2005 to 28-02--2005, without issuing either railway warrant for commending journey from Hyderabad to New Delhi or the requisite allowances and movement order, to enable the petitioner to report at New Station as arbitrary and illegal, thus declaring the transfer of Petitioner vide No. T.IX/04-99-EC-1 as not valid , with a further direction to

Respondent authorities to follow guidelines No. (A) 1. (X) of standing order No.10/01 in respect of Petitioner and pass such other order or further order as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.S.AGASTYA SHARMA

Counsel for the Respondents: MR.ARAJASHEKAR REDDY

(SC FOR CG)

MR. KOTI REDDY IDAMAKANTI

The Court made the following :

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ORDER:

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The present writ petition is filed seeking a direction to the respondent-Authorities to follow the Guide lines/Instructions contained in the transfer policy framed vide standing order No.10/2001, governing transfer of Non-Gazetted (executive) Personnel, issued by the 1st respondent authority and consequently to declare that the procedure followed in respect of petitioner, a Non-Gazetted (executive), asking her to take Movement order and report at Battalion 88 New Delhi, by giving her alleged journey period of 12 days, from 16-02-2005 to 28-02-2005, without issuing either railway warrant for commencing journey from Hyderabad to New Delhi or requisite allowances and movement order to enable the petitioner to report at the new station as arbitrary and illegal, and to declare the transfer of petitioner vide No.T.IX/04-99-EC-1, dated Nil/12/2004, as not valid.

Heard learned counsel for both the parties.

Learned counsel for the petitioner contended that since the petitioner has been transferred from Hyderabad to New Delhi, it will cause much inconvenience not only to her children but also to her husband, who is also working in the same organization. The learned counsel also contended that the petitioner and her husband are

prepared to go any where in India, provided, they are posted in the same Battalion or same Unit.

On the other hand, learned Senior Central Government Standing Counsel appearing for the respondents contended that as per the transfer policy, the petitioner was transferred, and the transfer does not suffer from any legal infirmity so as to call for interference of this Court.

Transfer is an incidence of the service. An employee is liable to be transferred anywhere as per the Service Rules. The jurisdiction of the authority, who issued the transfer orders, is not under challenge. The petitioner is prepared to go anywhere in India, provided, her husband is also transferred along with her to the same Unit or same Battalion. In my considered view, in the fact situation the stand taken by the petitioner is reasonable and she is also not interested to be retained in Hyderabad. Her only request is that herself and her husband, who is working at the same place in the same organization, be transferred together to a same Unit or Battalion.

Therefore, without entering into the merits of the case, the writ petitioner and her husband are at liberty to file an application before the respondents within three days from today putting forth their request. On receipt of the same, the respondents shall take an appropriate decision for transferring both the petitioner and her husband to a same Unit or Battalion. Status quo obtaining as on today, shall be maintained till the decision is taken by the respondents.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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25-02-2005

Note: Issue C.C by today.

B/o.

vs

To

1 The DGP, Directorate General CRPF, R.K. Puram,
New Delhi, 110022.

2 Inspector General Of Police, (RAF),
R.K. Puram, New Delhi, 110022.

3 The DIGP, (Pers.) CRPF, Lodhi Road, New Delhi, 110003.

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5 The Commandant, 99 Battalion RAF,
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6 The Commandant, 88 Battalion RAF, (CRPF) (M), New Delhi.

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8 1 CC to MR.AGASTYA SHARMA

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3364 of 2005

Dated: 25-02-2005

vs